

Application No.: 10/074874

Case No.: 57202US002

**Remarks**

Claims 1 to 34 are pending. Claims 35 to 69 have been canceled. Claims 1, 6, 7 and 31 are amended. No claims have been added

Basis for the amendment to claim 1 may be found on page 2, lines 14 to 22

**§ 112 Rejections**

Claims 1 to 34 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Office Action asserts "that there is no definite step as to how the polarizer moieties are actually formed....". Applicants believe that claim 1 is consistent with the requirements of § 112, but in an effort to advance prosecution, the claim has been amended to recite the release of acid by the photoacid generator, and the subsequent dehydration of the vinyl alcohol polymer.

Claims 6, 7 and 31 have been amended to correct the antecedent basis.

In summary, Applicants submit that the rejection of claims 1 to 34 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

**Rejections Under the Judicially-Created Doctrine of Obviousness-Type Double Patenting.**

Claim 2 stands provisionally rejected as being unpatentable over claim 5 of copending application U.S.S.N. No. 10/118,489. This rejection is respectfully traversed for the following reasons:

Enclosed is a "Terminal Disclaimer Under 37 C.F.R. Section 1.321(b)," which disclaims the portion of the term of any patent granted on the instant application that would extend beyond the expiration date of the term of U.S.S.N. No. 10/118,489. The Disclaimer also indicates that the instant application and U.S.S.N. No. 10/118,489 are commonly owned by 3M Innovative Properties Company by virtue of assignments recorded on May 15, 2002 at reel/frame 012908/0356 (for the instant application) and on July 23, 2002 at reel/frame 013111/0522 (for U.S.S.N. No. 10/118,489). The Disclaimer further indicates that the chain of title of the instant application has been examined in order to comply with 37 C.F.R. Section 3.73(b).

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Since under 37 C.F.R. Section 1.78(d) a terminal disclaimer in compliance with 37 C.F.R. Section 1.321(b) can be used to overcome a non-statutory double patenting rejection, Applicants respectfully request that the double patenting rejections be withdrawn. In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of claims 1 to 34 as amended, at an early date is solicited.

Respectfully submitted,

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Date

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